

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA,

MEMORANDUM & ORDER

-against-

01-CR-1342 (CBA)

RAMANAND PERSAUD,

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AMON, United States District Judge:

On June 4, 2010, Ramanand Persaud, a criminal defendant and frequent filer in this Court, filed a new motion for release on bail ostensibly pursuant to 18 U.S.C. § 3143(b)(1)(A) and (B).

Petitioner was convicted and sentenced on November 25, 2002. United States v. Persaud, No. 01-CR-1342-02 (CBA) (E.D.N.Y. Nov. 25, 2002), aff'd United States v. Persaud, 87 Fed. Appx. 214 (2d Cir. 2004). He challenged his conviction by filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255, which the Court denied by order dated December 28, 2005. Persaud v. United States, No. 04-CV-2862 (CBA), slip op. (E.D.N.Y. Dec. 28, 2005). He has since filed multiple additional petitions and motions challenging his conviction and custody. On April 8, 2010, the Court enjoined petitioner from filing any future motions or petitions related to his 2002 conviction without first seeking leave of this Court or requesting the Court of Appeals to authorize a second or successive petition pursuant to 28 U.S.C. § 2255. Persaud v. United States, No. 04-CV-2862, 2010 WL 1437927, at *1 (E.D.N.Y. Apr. 8, 2010). He has since twice sought leave to file new motions, which the Court has denied. See Persaud v. Terrell, No. 10-mc-277 (CBA), slip op. (E.D.N.Y. May 10, 2010); Persaud v. Terrell, et al., No. 10-mc-501(CBA), slip op. (E.D.N.Y. Aug. 6, 2010).

The instant petition seeks relief from detention pending appeal pursuant to 18 U.S.C. §

3143(b)(1)(A) and (B). These provisions only apply to certain defendants who are seeking release on bail while an appeal or a petition for a writ of certiorari is pending. In this case, petitioner has already exhausted his direct appeals and has no appeals pending.¹ Accordingly, the bail provisions of 18 U.S.C. § 3143(b)(1)(A) and (B) do not apply.

For this reason, petitioner's application for release from detention is denied. The Clerk of Court is directed to terminate the pending motions appearing as docket entry numbers 75 and 77. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/

CAROL BAGLEY AMON
United States District Judge

Dated: Brooklyn, New York
August 6, 2010

¹ Although he has no pending appeal, petitioner filed another request with the Court of Appeals for the Second Circuit for an order authorizing the district court to consider a second or successive 28 U.S.C. § 2255 petition. The Court of Appeals denied the motion on July 14, 2010. Persaud v. United States, No. 10-2443-op (2d Cir. July 14, 2010).